

1 General Government Cabinet

2 Kentucky Board of Medical Licensure

3 (Amendment)

4 201 KAR 9:310. Continuing medical education.

5 RELATES TO: KRS 214.610, 214.615, 214.620, 311.565(1)(b), 311.601, 218A.205

6 STATUTORY AUTHORITY: KRS 311.565(1)(a), (b), 311.601(1), (2)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.601(1) authorizes the
8 board to promulgate an administrative regulation that establishes requirements to insure
9 the continuing professional competency of licensees. The amendment of this
10 administrative regulation establishes continuing medical education requirements relating
11 to the use of KASPER, pain management, and addiction disorders for physicians who
12 prescribe or dispense controlled substances in the Commonwealth of Kentucky.

13 Section 1. Continuing Medical Education. A licensee shall submit, with his
14 annual licensure renewal form, verification of satisfactory completion of a program
15 of continuing medical education.

16 Section 2. In order to meet the continuing medical education requirements, a
17 licensee shall:

18 (1) Submit evidence that thirty (30) of the sixty (60) hours shall have been
19 certified in Category I by an organization accredited by the:

20 (a) Accreditation Council on Continuing Medical Education; or

1 (b) The American Osteopathic Association;

2 (2)(a) Submit evidence that the licensee has received the American Medical
3 Association's "physician recognition award", or the American Osteopathic
4 Association's "osteopathic physicians' recognition award"; and

5 (b) Award is in effect at the time a license is renewed;

6 (3) Submit verification that the:

7 (a) Licensee has completed continuing medical education requirements of any
8 specialty organization which is recognized by the AMA or AOA as at least
9 equivalent to their recognition awards; and

10 (b) Certification is in effect at the time a license is renewed; or

11 (4) Submit verification that the licensee is in, or has been in, an approved
12 postgraduate training program.

13 (5) Each year of postgraduate training shall be equivalent to fifty (50) hours of
14 continuing medical education.

15 Section 3. Required Hours of Continuing Education. (1) For each three (3)
16 year continuing education cycle, a licensee shall complete:

17 (a) A total of sixty (60) hours of continuing medical education, if his license has
18 been renewed for each year of a continuing medical education cycle.

19 (b) If his license has not been renewed for each year of a continuing medical
20 education cycle, a licensee shall complete twenty (20) hours of continuing medical
21 education for each year for which his license has been renewed.

1 (c) A licensee whose initial licensure was granted the first year of the
2 continuing education cycle for which verification is submitted shall complete sixty
3 (60) hours of continuing medical education before the end of the cycle;

4 (d) A licensee whose initial licensure was granted the second year of the
5 continuing education cycle for which verification is submitted shall complete forty
6 (40) hours of continuing medical education before the end of the cycle;

7 (e) A licensee whose initial licensure was granted the third year of the
8 continuing education cycle for which verification is submitted shall complete twenty
9 (20) hours of continuing medical education before the end of the cycle.

10 (2) Upon renewal of licensure following the end of a three (3) year continuing
11 education cycle, a licensee shall certify that he has met the continuing medical
12 education requirements for the cycle as provided by this section.

13 (3) Verification of completion of continuing medical education requirements
14 shall be submitted upon request by the board.

15 Section 4. The board may grant an extension of time to a physician who for
16 sufficient cause has not yet received continuing medical education certification.

17 Section 5. During each ten (10) year period of their practice, each licensee,
18 shall complete a minimum of two (2) hours of continuing medical education in
19 HIV/AIDS courses approved pursuant to KRS 214.610, 214.615 and 214.620.

20 Section 6. (1) For each three (3) year continuing education cycle beginning
21 on January 1, 2015, a licensee who is authorized to prescribe or dispense
22 controlled substances within the Commonwealth at any time during that cycle
23 shall complete at least four and one-half (4.5) hours of approved Category I

1 Credit continuing medical education hours relating to the use of KASPER, pain
2 management, addiction disorders or a combination of two or more of those
3 subjects. A licensee may satisfy this requirement by completing a single
4 approved program of four and one-half (4.5) hours or longer by completing
5 multiple approved programs for a total of four and one-half (4.5) hours or longer
6 for that cycle;

7 (2) Each physician licensed to practice medicine or osteopathy within the
8 Commonwealth of Kentucky who is authorized to prescribe or dispense
9 controlled substances within the Commonwealth during any portion of the three

10 (3) year continuing education cycle beginning on January 1, 2012 and ending on
11 December 31, 2014 shall complete at least four and one-half (4.5) hours of
12 approved Category I Credit continuing medical education hours relating to the
13 use of KASPER, pain management, addiction disorders or a combination of two
14 or more of those subjects on or before December 31, 2014. The physician may
15 satisfy this requirement by completing a single approved program of four and
16 one-half (4.5) hours or longer or by completing multiple approved programs for a
17 total of four and one-half (4.5) hours or longer for this cycle;

18 (3) Each physician licensed to practice medicine or osteopathy within the
19 Commonwealth of Kentucky during any portion of calendar year 2014 shall
20 complete at least one and one-half (1.5) hours of approved continuing education
21 hours relating to the use of KASPER, pain management, addiction disorders or a
22 combination of two or more of those subjects on or before December 31, 2014,

1 and shall submit written verification of compliance to the Board on or before
2 January 15, 2015;

3 (4) To qualify as approved continuing education under this section, the
4 educational program must have been approved in advance for the specified
5 number of continuing education hours by the board. The board may approve
6 educational programs that consist of a live presentation, that are presented by
7 live or recorded webinars, or that are presented through online modules. The
8 board shall maintain a current listing of approved continuing education programs
9 on its official website – www.kbml.ky.gov;

10 (5)(a) In order to lawfully prescribe or dispense controlled substances within
11 the Commonwealth of Kentucky, a licensee must complete the required number
12 of continuing education hours for each period designated in this section;

13 (b) Failure to complete the required number of continuing education hours for
14 the required period, or to submit the required written verification within the time
15 specified shall constitute a violation of KRS 311.595(9) and (12) which
16 constitutes an immediate danger to the public health, safety, or welfare, for the
17 purposes of KRS 311.592 and 13B.125.

18 (c) If the Board determines that a licensee has failed to complete the required
19 continuing education hours within the time specified or has failed to provide the
20 written verification of completion within the time specified, the appropriate Inquiry
21 Panel or its Chair shall promptly issue an emergency order restricting that
22 licensee from prescribing or dispensing controlled substances within the
23 Commonwealth of Kentucky until such time as the licensee has completed the

1 required continuing education hours for that period and has provided written
2 verification of such completion to the board;

3 (d) An emergency order restricting a licensee from prescribing or dispensing
4 controlled substances within the Commonwealth of Kentucky issued pursuant to
5 Section 6(5)(c), supra, shall remain valid and in effect until the Board has
6 received written verification that the licensee has successfully completed the
7 required continuing education hours for the time period specified. Upon receipt
8 of such written verification, the Panel or its Chair will immediately issue an order
9 terminating the emergency order issued pursuant to this section;

10 (e) If a licensee who is affected by an emergency order issued pursuant to
11 this section requests an emergency hearing pursuant to KRS 13B.125(3), the
12 hearing officer conducting the emergency hearing shall affirm the emergency
13 order if presented with written notification on Board letterhead stating that the
14 board has not received the required written verification that the licensee
15 completed the required continuing education hours for the period specified by the
16 time specified.

17 (6) If a licensee should prescribe or dispense controlled substances within
18 the Commonwealth of Kentucky during any period after the licensee has failed to
19 complete the required continuing education hours within the time specified or has
20 failed to provide written verification of such completion within the time specified,
21 each instance of prescribing or dispensing of such controlled substances shall
22 constitute a separate violation of KRS 311.595(12) and (9), as illustrated by KRS

1 311.597(1)(b) and will serve as the basis for disciplinary sanctions pursuant to
2 KRS Chapter 311.595.

3 Section 7. [6-] The board may randomly require physicians submitting
4 certification of continuing medical education to demonstrate satisfactory
5 completion of the continuing medical education requirements stated in his
6 certification.

7 Section 8. [7-] (1) A licensee shall be fined a minimum of \$200 dollars, if he
8 fails to:

9 (a) Timely complete the continuing medical education requirements; and

10 (b) Obtain an extension of time for completion of the continuing medical
11 education requirements.

12 (2)(a) A licensee subject to subsection (1) of this section shall be granted a
13 period of six (6) months to come into compliance.

14 (b) If a licensee has not completed the continuing medical education
15 requirements within the six (6) month period established by this subsection, his
16 license shall:

17 1. Be immediately suspended; and

18 2. Remain suspended until he has submitted verifiable evidence that he has
19 completed the continuing education requirements.

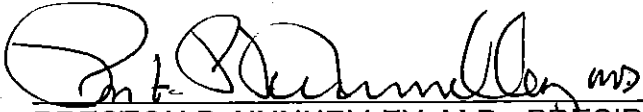
20 Section 9. [8-] A waiver of the requirements established by the provisions of
21 this administrative regulation shall not be granted.

22 Section 10. [9-] Incorporation by Reference. (1) "Continuing Medical Education
23 Certification Form" [3/97] is incorporated by reference.

1 (2) This form may be inspected, copied, or obtained, subject to applicable
2 copyright law, at the Kentucky Board of Medical Licensure, 310 Whittington
3 Parkway, Suite 1B, Louisville, Kentucky 40222, 8 a.m. to 4:30 p.m., Monday
4 through Friday.

Adopted:

7/20/2012
DATE


PRESTON P. NUNNELLEY, M.D., PRESIDENT
KENTUCKY BOARD OF MEDICAL LICENSURE

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 26, 2012 at 11:30 a.m. at the offices of the Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing by September 19, 2012, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until October 1, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: C. Lloyd Vest II, General Counsel, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, phone (502) 429-7150, fax (502) 429-7118.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: C. Lloyd Vest II, General Counsel, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222: (502) 429-7150.

(1) Provide a brief summary of:

- (a) What this administrative regulation does: This administrative regulation establishes the requirements for obtaining continuing medical education hours relating to the use of KASPER, pain management, and addiction disorders for physicians who prescribe or dispense controlled substances in the Commonwealth of Kentucky.
- (b) The necessity of this administrative regulation: It is necessary to promulgate this regulation to establish the requirements for obtaining continuing medical education hours relating to the use of KASPER, pain management, and addiction disorders for physicians who prescribe or dispense controlled substances in the Commonwealth of Kentucky.
- (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation acts specifically to establish the requirements for obtaining continuing medical education hours relating to the use of KASPER, pain management, and addiction disorders for physicians who prescribe or dispense controlled substances in the Commonwealth of Kentucky.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation acts specifically to establish the requirements for obtaining continuing medical education hours relating to the use of KASPER, pain management, and addiction disorders for physicians who prescribe or dispense controlled substances in the Commonwealth of Kentucky.

(2) If this is an amendment to an existing regulation, provide a brief summary of:

- (a) How the amendment will change this existing administrative regulation; This amendment establishes requirements for obtaining continuing medical education hours relating to the use of KASPER, pain management, and addiction disorders for physicians who prescribe or dispense controlled substances in the Commonwealth of Kentucky.
- (b) The necessity of the amendment to this administrative regulation; It is necessary to promulgate this regulation to establish the requirements for obtaining continuing medical education hours relating to the use of KASPER, pain management, and addiction disorders for physicians who prescribe or dispense controlled substances in the Commonwealth of Kentucky.
- (c) How the amendment conforms to the content of the authorizing statutes; This administrative regulation acts specifically to establish the requirements for obtaining continuing medical education hours relating to

the use of KASPER, pain management, and addiction disorders for physicians who prescribe or dispense controlled substances in the Commonwealth of Kentucky.

- (d) How the amendment will assist in the effective administration of the statutes. This amendment acts specifically to establish the requirements for obtaining continuing medical education hours relating to the use of KASPER, pain management and addiction disorders for physicians who prescribe or dispense controlled substances in the Commonwealth of Kentucky.
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect all physicians licensed in Kentucky who prescribe or dispense controlled substances.
 - (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this regulation, if new, or by the change, if it is an amendment, including:
 - (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Physicians who prescribe or dispense controlled substances in the Commonwealth of Kentucky will have to obtain the appropriate number of continuing medical education hours specified.
 - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Approximate cost for each physician to obtain the required number of continuing medical education hours is unknown.
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Physicians will be appropriately informed in the areas of KASPER use, pain management, and addiction disorders to curb the prescription drug epidemic in the Commonwealth of Kentucky.
 - (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
 - (a) Initially: None
 - (b) On a continuing basis: None
 - (6) What is the source of funding to be used for the implementation and enforcement of this administration regulation: None.
 - (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase of fees or funding will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees nor does it directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not)

Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 201 KAR 9:310

Contact Person: C. Lloyd Vest II

Phone number: 502/429-7150

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? None

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.
KRS 311.565(1)(a), 218A.202

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years?
None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

Application for Registration of Kentucky Medical/Osteopathic License for Year 2012

Kentucky Board of Medical Licensure

Continuing Medical Education Certification Form

CME Cycle: January 1, 2009 – December 31, 2011

Continuing Medical Education (CME) regulation 201 KAR 9:310 requires all medical and osteopathic physicians maintaining an active Kentucky medical license to obtain 60 hours of CME every three years. Thirty hours must be in Category 1 accredited by the Accreditation Council on Continuing Medical Education or the American Osteopathic Association and thirty hours may consist of non-supervised personal activities. Two of the total sixty hours must be acquired in a HIV/AIDS course approved by the Kentucky Cabinet for Health and Family Services every ten-year period. A physician who obtained a new license during the CME cycle should refer to the information below for calculating CME hours due.

According to the Continuing Medical Education (CME) regulation 201 KAR 9:310, for each (3) year CME cycle, a licensee shall complete:

- (a) A total of sixty (60) hours of CME, if his/her license has been renewed for each year of a CME cycle;
- (b) If his/her license has not been renewed for each year of a CME cycle, licensee shall complete twenty (20) hours of CME for each year for which his/her license has been renewed.
- (c) A licensee whose initial licensure was granted the first year of the CME cycle for which verification is submitted: completion of (60) hours of CME before the end of the cycle;
- (d) A licensee whose initial licensure was granted the second year of the CME cycle for which a verification is submitted: completion of forty (40) hours of CME before the end of the cycle;
- (e) A licensee whose initial licensure was granted the third year of the CME cycle for which verification is submitted; completion if twenty (20) hours of CME before the end of the cycle.

You are required to report that you have completed the CME requirements for the years that you have maintained an active medical license in Kentucky during the cycle. If you have not completed the required hours noted above in sections (a) – (e), please complete the **"Request for Extension to Complete Required CME Hours"** which is included with this application. Payment of \$100.00 will be required in order to request this extension. **It should be noted that failure to complete this form, pay the extension fee and return it with your 2012 renewal application will result in a delay of your renewal application being processed.**

Name: _____ License Number: _____

Address: _____

In order to comply with this requirement, please answer the following:

Have you completed your CME requirements for the CME cycle **1/1/2009 – 12/31/2011**?

☐ Yes ☐ No

Signature _____

Date _____

Please do not send documentation of your CME hours to the Board unless requested.